

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

**THE UNITED STATES INTERNATIONAL HIV/AIDS LAW**

**THE TEXT OF THE LAW:**

The new HIV/AIDS law is called the “United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.” It was signed into law by President George W. Bush on May 27, 2003, and is Public Law 108-25.

The full text of the law can be found online by going to <http://thomas.loc.gov/> typing in HR1298 in the box for “Bill Number” and choosing the version “Enrolled as Agreed to or Passed by Both House and Senate.”

**AUTHORIZED PREVENTION ACTIVITIES:**

HIV/AIDS prevention efforts are authorized under Public Law 108-25:

“Assistance provided under subsection (c) shall, to the maximum extent practicable, be used to carry out the following activities:

“(1) PREVENTION- Prevention of HIV/AIDS through activities including—

“(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including delaying sexual debut, abstinence, fidelity and monogamy, reduction of casual sexual partnering, reducing sexual violence and coercion, including child marriage, widow inheritance, and polygamy, and where appropriate, use of condoms;

“(B) assistance to establish and implement culturally appropriate HIV/AIDS education and prevention programs that focus on helping individuals avoid infection of HIV/AIDS, implemented through nongovernmental organizations, including faith-based and community-based organizations, particularly those organizations that utilize both professionals and volunteers with appropriate skills, experience, and community presence;

“(C) assistance for the purpose of encouraging men to be responsible in their sexual behavior, child rearing, and to respect women;

“(D) assistance for the purpose of providing voluntary testing and counseling (including the incorporation of confidentiality protections with respect to such testing and counseling);

“(E) assistance for the purpose of preventing mother-to-child transmission of the HIV infection, including medications to prevent such transmission and access to infant formula and other alternatives for infant feeding;

“(F) assistance to ensure a safe blood supply and sterile medical equipment;

“(G) assistance to help avoid substance abuse and intravenous drug use that can lead to HIV infection; and

“(H) assistance for the purpose of increasing women's access to employment opportunities, income, productive resources, and microfinance programs, where appropriate.”

—Source: P.L. 108-25, Title III, Subtitle A,(d)(1)

## **FAITH-BASED GROUPS MAY APPLY:**

Faith-based and community-based organizations, under U.S. law, are eligible for HIV/AIDS funding:

“...HIV/AIDS education and prevention programs that focus on helping individuals avoid infection of HIV/AIDS, implemented through nongovernmental organizations, **including faith-based and community-based organizations**, particularly those organizations that utilize both professionals and volunteers with appropriate skills, experience, and community presence;”

—Source: P.L. 108-25, Title III, Subtitle A,(d)(1)(B)

## **ABSTINENCE, FIDELITY AND MONOGAMY PROGRAMS ARE AMONG THOSE ELIGIBLE FOR FUNDS:**

“(1) PREVENTION- Prevention of HIV/AIDS through activities including—

“(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including **delaying sexual debut, abstinence, fidelity and monogamy**, reduction of casual sexual partnering, reducing sexual violence and coercion, including child marriage, widow inheritance, and polygamy, and where appropriate, use of condoms;”

—Source: P.L. 108-25, Title III, Subtitle A,(d)(1)

## **ORGANIZATIONS WITH RELIGIOUS AND MORAL OBJECTIONS TO CERTAIN PREVENTION METHODS OR TREATMENT PROGRAMS STILL ARE ELIGIBLE FOR FUNDS:**

“An organization that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961 (as added by subsection (a)) or under any other provision of this Act (or any amendment made by this Act) to prevent, treat, or monitor HIV/AIDS **shall not be required, as a condition of receiving the assistance, to endorse or utilize a multisectoral approach to combatting HIV/AIDS, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection**”

—Source: P.L. 108-25, Title III, Subtitle A, Section 301,(d)

## **ORGANIZATIONS MUST EXPLICITLY OPPOSE PROSTITUTION AND SEX TRAFFICKING TO RECEIVE FUNDS:**

According to Public Law 108-25, funds must not be used “to promote or advocate the legalization or practice of prostitution or sex trafficking” and organizations must have a policy “explicitly opposing prostitution and sex trafficking.”

“(e) LIMITATION- No funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking

“(f) LIMITATION- No funds made available to carry out this Act, or any amendment made by this Act, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.”

—Source: P.L. 108-25, Title III, Subtitle A, Section 301,(e),(f)

## **ORGANIZATIONS MAY NEED TO REGISTER AS PVO TO RECEIVE FUNDS:**

To be eligible for U.S Foreign Assistance Act funds, groups may need to register with USAID as a private voluntary organization (PVO).

“U.S. and international private voluntary organizations (PVOs) wishing to become eligible for development assistance funds must register with USAID. Under USAID policy, no funds appropriated under the may be made available to a PVO that is not registered with USAID. Disaster assistance funding and funding through sub-grants or contracts are not subject to this requirement. The registration requirement does not pertain to local NGOs or indigenous PVOs. In the absence of registration, Missions are encouraged to ensure that any local organization receiving funding from USAID is able to manage the funds and has financial control systems in place to do so.”

[http://www.usaid.gov/our\\_work/cross-cutting\\_programs/private\\_voluntary\\_cooperation/reg.html](http://www.usaid.gov/our_work/cross-cutting_programs/private_voluntary_cooperation/reg.html)

Registration forms: [http://www.usaid.gov/our\\_work/cross-cutting\\_programs/private\\_voluntary\\_cooperation/regresources.html](http://www.usaid.gov/our_work/cross-cutting_programs/private_voluntary_cooperation/regresources.html)